

March 14, 2006

Mr. Nat Noland, Esq.
Indiana Coal Council
150 West Market Street
Suite 400
Indianapolis, IN 46204

Re: News story on Channel 13

Dear Nat:

As you are aware WTHR Channel 13 aired a story entitled, "Trouble in Indiana's Mines" that took an unwarranted negative spin on miner safety in Indiana. I think that it is very important that the industry understands how personally I take miner safety.

I know that you are aware of the actions the Agency has taken to protect miners and to make Indiana one of the Country's safest states to be a miner; but I think it bears repeating here:

- First and foremost, 2005 was a fatality free year in Indiana underground, surface, coal and aggregate mineral mine production. It was in fact one of the safest years in Indiana mining history. The Agency and Federal MSHA both acknowledged the industries accomplishments in separate awards ceremonies earlier this year.
- The Agency has spent more than \$50,000 over the last fifteen months upgrading all of the mine rescue equipment.
- The Agency has ensured that the State has two fully staffed, fully trained mine rescue teams.
- The Agency was successful obtaining a grant from the Federal Department of Labor of almost \$1,000,000 over the next six years to help fund a miner safety and technology program at Vincennes University. For the first time in State history miners will be able to obtain a degree in mining technology.
- The Agency gave a one time grant of \$30,000 in state funds to help kick start the miner safety and technology program at Vincennes University.
- The Agency responded to the industry's needs to train and place some 3,000 new miners over the next five years. Make no mistake about it this is a safety issue of enormous magnitude that we had to get in front of. Replacing some 1,500 experienced and retiring miners with some 3,000 red hats with no concentrated, comprehensive training program was a potentially serious safety issue. The industry recognized it, academia recognized it and the Agency recognized it and together we addressed the issue in a proactive and cooperative manner by starting such a program at Vincennes University.

- Though the State did not conduct mine inspections in 2005, Federal MSHA spent an average of 200 hours at each of Indiana's underground coal mines; inspecting mines at least quarterly.
- This year we are conducting routine, quarterly spot checks at all of Indiana's underground mines, in tandem with Federal MSHA but not in duplication of its efforts.
- The Agency's efforts continue to be focused on miner safety training and mine disaster response and rescue; both issues that Federal MSHA does not focus on.

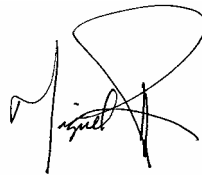
I am proud of the relationship that the Agency has with the miners, the mines, the industry as a whole and with you and the Council. I only regret that despite my efforts to repeatedly highlight these accomplishments during a ninety minute interview with Channel 13, the reporter and producers refused to air these accomplishments.

I want to assure Indiana's miners that they can feel as safe as any miners in the country when they go to work. I want our miners to know that I think about them every day, that I keep apprised of issues affecting mining and miners, and that we will have a new Deputy Commissioner – Mines and Mine Inspections within ten days of this letter. I want them to know that Federal MSHA, in the State of Indiana, is doing a wonderful job. MSHA has us outnumbered literally ten to one with inspectors and can cover a lot of ground very thoroughly. Our joint efforts mean that we are doing everything we can to make Indiana's underground coal mines as safe as we can.

Please give my respects to Indiana's miners and let them know that I care about their health, safety and welfare and that the Agency will continue in its efforts to ensure that every miner goes home to his or her family with all their parts intact. Thank you.

Let's be careful out there.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Miguel R. Rivera, Sr.', with a large, stylized 'R' and a horizontal line extending from the end.

Miguel R. Rivera, Sr.
Commissioner

cc: Betsy Burdick
Kari Evans
Eric Holcomb